

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----:
LOCAL UNION NO. 825, affiliated :
with the INTERNATIONAL UNION OF :
OPERATING ENGINEERS, AFL-CIO, :
and THE BOARD OF TRUSTEES OF :
THE INTERNATIONAL UNION OF :
OPERATING ENGINEERS, LOCAL 825 :
PENSION FUND, THE IUOE LOCAL :
825 WELFARE FUND, THE IUOE :
LOCAL 825 APPRENTICESHIP :
TRAINING AND RETRAINING FUND, :
THE IUOE LOCAL 825 :
SUPPLEMENTAL UNEMPLOYMENT :
BENEFIT FUND, THE IUOE LOCAL :
825 SAVINGS FUND, THE IUOE :
LOCAL 825 ANNUITY FUND, :
:

Plaintiffs,

vs.

LANDSCAPE UNLIMITED, INC.

Defendant,

**CIVIL ACTION
NO. 08-CV-00590 (SCR)**

INTERROGATORIES

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PLEASE TAKE NOTICE:

That the Defendant, LANDSCAPE UNLIMITED, INC. by its attorneys, Marcus Ollman & Kommer LLP, pursuant to the Federal Rules of Civil Procedure Rule 33, demands that the Plaintiffs answer the following questions and produce the related documents demanded:

1. State the name and address of the person or persons answering or assisting in the answering of the Interrogatories who possesses knowledge of facts relevant to this litigation, and any such person's relationship, if any, to the Plaintiff herein.
2. Identify each and every instance on the Lowe's project where the Defendant

improperly staffed the operation of power-driven equipment. For each instance state the following:

- a. the person witnessing each event
- b. the date and specific location of each event
- c. the type of power-driven equipment being used
- d. the purpose for which the equipment was being used

3. Identify each and every instance where the Defendant failed to secure manpower referrals on the Lowe's project as is alleged in the Complaint.

4. Identify each and every instance where specific provisions governing wage-rates, work-hours and benefit obligations and rates were violated and for each violation give the following:

- a. the name and address of the employee concerned
- b. the specific provision that was violated
- c. the manner in which it was violated
- d. the amount owed as a result of this violation

5. Identify each and every instance from January 2007 until the present, where members of the International Union of Operating Engineers Local 137 were permitted to work within the Defendant's geographical area.

6. Specify the demands that were made by the Plaintiff's representatives to cease violations as is alleged in the Complaint. If written, set forth a true copy thereof. If oral, state the following:

- a. The nature and date the demand was made
- b. The manner in which it was communicated to the Defendant
- c. The name of such persons acting on behalf of both parties
- d. Any witness thereto

7. Identify each and every project from the date of the alleged agreement until the date

of the Complaint (January 7, 2008), other than the Lowe's project, wherein the Defendant failed to secure its manpower requirements as is alleged in the Complaint.

8. Identify each and every breach of the alleged agreement between the parties other than those identified above. As to each such breach, state the following:

- a. The date thereof
- b. A detailed description of such breach

Dated: New Rochelle, New York
April 29, 2008

The Defendant,

LANDSCAPE UNLIMITED, INC.

BY: 

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